



CITY COUNCIL MEETING

AMENDED NOTICE AND AGENDA

(NOTICE REGARDING POSSIBLE EXECUTIVE SESSION ADDED AT THE TOP OF PAGE 2;
CONSENT AGENDA ITEM 23 REWORDED)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Monday, December 12, 2005

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Boards, Commissions and Task Forces

How the Board and Commission Interview and Appointment Process Works: The Council will spend a few minutes interviewing each board and commission nominee. At the conclusion of the interviews, the Council will make the appointments. Once the appointments have been made, the Council will take a short recess and reconvene at 5:00 p.m. to consider the remainder of the items on tonight's agenda.

Interview of citizen nominees and appointments to City boards and commissions.

Airport Advisory Commission. *Nominees:* Thomas Guilfooy, William O'Donnell, Wendy Springborn-Pittman
Council action to fill one vacancy.

Historic Preservation Commission. *Nominees:* Arthur Secunda, Edward Wimmer
Council action to fill one vacancy.

Parks and Recreation Commission. *Nominees:* Robert Frost, Douglas McFetters, James Monroe, Lisa Perez, Ronald Petersen, Paul Reich
Council action to fill two vacancies.

Scottsdale Pride Committee. *Nominees:* Russ Cutlip, Karen Grobman, Roberta Hendrickson
Council action to fill one vacancy.

Tourism Development Commission. *Nominees:* Kate Cavaliere, Kiaran MacDonald, Sally Shaffer
Council action to fill two vacancies.

Adjourn Special Meeting

**5:00 P.M.
CITY COUNCIL MEETING**

NOTE: The City Council may vote to go into Executive Session, which will not be open to the public, for the purpose of obtaining legal advice from the City's attorney(s) on any of the agenda items listed below, pursuant to A.R.S. Sec. 38-431.03(A)(3).

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Arizona State Parks Presentation

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes

SPECIAL MEETINGS

[October 20, 2005](#)

[October 25, 2005](#)

[November 7, 2005](#)

[November 8, 2005](#)

[November 15, 2005](#)

[November 30, 2005](#)

REGULAR MEETINGS

[November 1, 2005](#)

[November 15, 2005](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

CONSENT AGENDA ITEMS 1 - 23

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Trader Joe's Agent Change (Beer and Wine Store) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change for an existing series 10 (beer and wine store) liquor license.
Location: 7555 E. Frank Lloyd Wright Boulevard
Reference: 55-LL-2000#2
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Café Citron (Restaurant) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license at a new.
Location: 10428 E. Jomax Road, Ste. 101
Reference: 56-LL-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Maloneys Tavern (Bar) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license.
Location: 8608 E. Shea Boulevard
Reference: 60-LL-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. **Sol Y Sombra (Restaurant) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license at a new location.
Location: 20707 N. Pima Road, Building L, Ste. 200
Reference: 61-LL-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

5. **Arizona Vines Wine Distributors (Wholesaler) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (Wholesaler) liquor license at a new location.
Location: 10456 N. 74th Street
Reference: 64-LL-2005
Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Monday, December 12, 2005
Page 4 of 9

6. **Caliente Sports Grill (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license at an existing location.

Location: 7103 E. McDowell Road

Reference: 66-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

7. **Troon Country Club Agent Change (Bar) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change for an existing series 6 (bar) liquor license.

Location: 25000 N. Windy Walk Drive

Reference: 68-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

8. **Yard House Restaurant (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license at an existing location.

Location: 7014 E. Camelback Road

Reference: 70-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

9. **Trader Joe's Agent Change (Beer and Wine Store) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change of a series 10 (beer and wine store) State liquor license at an existing location.

Location: 6202 N. Scottsdale Road

Reference: 71-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

10. **Famous Sam's (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 7134 E. Thomas Road

Reference: 72-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Monday, December 12, 2005
Page 5 of 9

11. **Eddie V's Wildfish Seafood Grill (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 7135 E. Camelback Road, Ste. 130

Reference: 73-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

12. **Sandbar Mexican Grill (Bar) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license.

Location: 10050 N. Scottsdale Road

Reference: 50-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

13. **Sandbar Mexican Grill Conditional Use Permit**

Requests:

1. Approve a conditional use permit for a bar in an existing building located at 10050 N. Scottsdale Road with Central Business District (C-2) zoning.
2. Adopt Resolution No. 6791 affirming the conditional use permit.

Location: 10050 N. Scottsdale Road, Ste. 127

Reference: 20-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

14. **First Baptist Church Of Scottsdale Rezoning**

Requests:

1. Rezone from Single Family Residential District (R1-7) to Multiple Family Residential (R-5) on a 4.23 +/- acre parcel located at 7025 E Osborn Road.
2. Adopt Ordinance No. 3650 affirming the rezoning.

Location: 7025 E. Osborn Road

Reference: 12-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

15. **Horseman Park Estates Final Plat**

Request: Approve the Final Plat for eight single-family lots on a 2.9+/- acre parcel.

Location: East of the Northeast corner of 98th Street and McDowell Mountain Ranch Road

Reference: 22-PP-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

CONSENT AGENDA

Monday, December 12, 2005

Page 6 of 9

16. [Gourmet Corner Conditional Use Permit](#)

Requests:

1. Approve a conditional use permit for a delicatessen/restaurant located in a 1,492 +/- square-foot suite of an existing building located at 9096 E. Bahia Drive, #109 with Industrial Park, Planned Community District (I-1 PCD) zoning.
2. Adopt Resolution No. 6790 affirming the conditional use permit.

Location: 9096 E Bahia Dr , #109

Reference: 18-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

17. [Hotel Valley Ho Historic Preservation Incentive and Easement Agreement Amendment](#)

Request: Consider adopting Resolution No. 6795 approving an amendment to City of Scottsdale Agreement No. 2003-175-COS-A2 with MSR Properties, LLC 1) to reduce the maximum amount of historic preservation payments and to shorten the length of time payments are made in return for waiver of certain permit fees, and 2) to clarify the base for certain City payments to the owner.

Related Policies, References:

- This action directly supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and Goal D: Support Long Term Economic Sustainability.
- This request supports City Council's charge to the Historic Preservation Commission to establish and maintain the Scottsdale Historic Register as part of a comprehensive Historic Preservation Program, and is consistent with the intent of the Historic Preservation Ordinance approved by City Council in July 1999.
- The owner's plans to rehabilitate and preserve the historic hotel are consistent with the purposes of the HP rezoning of the property and the designation of the property on the Scottsdale Historic Register that were approved by the City Council in July 2002.
- The request is consistent with the Hotel Valley Ho Historic Preservation Plan approved by the City Council in April 2003.
- The request is consistent with the report on a comprehensive incentive package to support the historic preservation program in Scottsdale presented and submitted to the Council in March 2003.

Staff Contact(s): Robert Cafarella, AICP, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov

18. [Authority to Assess Fees for Wireless Communication Facilities in City Right-of-Way](#)

Request: Adopt Ordinance 3655 adding Section 106 and Section 107 to Chapter 47 of Scottsdale Revised Code relating to fees and permits for wireless communications facilities, personal wireless service facilities and other encroachments in the City's rights-of-way.

Related Policies, References: The City's planning and development fee schedule contains the existing fee schedule for cellular sites and other private improvements in the right-of-way.

S.R.C. §47-98. Issuance. Authorizes encroachment permits.

Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Kevin Sonoda, Telecommunications Policy Information Systems, 480-312-4138, ksonoda@scottsdaleaz.gov

19. [Fees for WiFi Antennas that are Installed in the City's Rights-of-Way](#)

Request: Adopt Resolution No. 6761 that establishes a fee structure for the installation of WiFi antennas on infrastructure and land space in the City's rights-of-way.

Related Policies, References:

- The City has a schedule of fees directly related to planning and development in SRC 46-141, Fee Schedule. The fee section for Encroachment Permits and Improvements contains the fee schedule for private improvements in the ROW for cellular sites.
- Proposed Ordinance 3655, adding Section 106 and Section 107 to Chapter 47 of Scottsdale Revised Code. Section 106 – Form of Encroachment Permits, and Section 107 – Encroachment Permit Fees. (NOTE: Scheduled for City Council Action on December 12, 2005)

Staff Contact(s): Craig Clifford, General Manager Financial Services, 480-312-2364, cclifford@scottsdaleaz.gov; Brad Hartig, Chief Information Officer Information Systems, 480-312-7615, bhartig@scottsdaleaz.gov

20. [Agreement for Wildfire Broadband Wireless Communications, Inc. to Install WiFi Antennas on City Infrastructure in the City's Rights-of-Way](#)

Request: Adopt Resolution No. 6788 authorizing the Mayor to execute Contract #2005-161-COS that allows Wildfire Broadband Wireless Communications, Inc. to construct, install and operate a wireless internet and data communications network in the City's rights-of-way.

Related Policies, References: Proposed Resolution No. 6761 authorizes a new fee schedule for WiFi antennas on City infrastructure in the right-of-way. (NOTE: Scheduled for City Council Action on December 12, 2005)

Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Kevin Sonoda, Telecommunications Policy Information Systems, 480-312-4138, ksonoda@scottsdaleaz.gov

21. [Photo Radar Loop 101 Demonstration Project Funding](#)

Request: Approve a budget transfer for \$6 million from the 2005/06 General Fund Contingency Fund to various operating department budgets for implementation of the approved photo enforcement Loop 101 demonstration program.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

22. [Capital Budget Transfer for Tax, Licensing and Alarm Billing System for Customer On-line Filing Improvements](#)

Request: Approve a \$109,300 capital budget transfer from the Financial Services – IVR Tax and License Project (Project No. M0503) to the Financial Services – Tax, Licensing and Alarm Billing System Project (Project No. M0504.)

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

*****23. Arizona State Land Trust Land Acquisition**

Requests:

1. Adopt Resolution No. 6804 for the acquisition of land and associated financing and closing costs for two parcels from the Arizona State Land Trust (51.81 acres at \$26.8 million and 17.65 acres at \$5.3 million), and declaring an emergency.
2. Adopt Resolution No. 6805 declaring the City's intent to advance funds not to exceed \$35 million for the financing of the State Land Trust purchase.
3. Approve a CIP Budget transfer of \$35 million for all land acquisition, administration, financing and project costs.
4. Authorize an Excise Debt Fund Reserve utilizing Economic Investment funds of \$4.7 million.

Related Policies, References: Resolution No. 6674, dated May 17, 2005, Adopted Financial (Debt) Policies.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

24. [Community Event Funding For McDowell Mountain Music Festival and Scottsdale New Year's Eve Block Party](#)

Requests:

1. Approve recommendations to authorize funds from the General Fund for the McDowell Mountain Music Festival and the Scottsdale New Year's Eve Block Party.
2. Adopt Resolution No. 6784 authorizing funding for the FY 2005/2006 Community Events support program and authorizing the Tourism Development Manager to execute individual agreements with each event producer.
3. Authorize and direct the Tourism Development Manager to execute, on behalf of the City, individual agreements with each approved event producer.

Staff Contact(s): Dave Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

25. [Revision of Ordinance Regulating Sexually Oriented Businesses](#)

Requests: Consider repealing the City's current ordinance regulating sexually oriented businesses and adopting a restructured, revised ordinance. This can be accomplished by:

- Adopting Resolution No. 6802 declaring the text of the new ordinance a public record, and
- Adopting Ordinance No. 3658 repealing the existing regulations (SRC §§ 16-236 through 16-259) and adopting the new regulations being made a public record in Resolution No. 6802.

Related Policies, References: City of Scottsdale Revised Code, Article 16, Sections 16-236 through 16-259.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

26. [2006 State Legislative Program](#)

Request: Consider approval of the City of Scottsdale 2006 State Legislative Program.

Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report

Mayor and Council Items

Adjournment